

**TYPE III
DEVELOPMENT REVIEW
STAFF REPORT &
RECOMMENDATION**

Form DS1402



Project Name: **GENERATION PLACE**

Case Number: **PST2006-00010**

Location: 6016 NE 72nd Avenue & 7007 NE 63rd Street

Request: To modify the site plan for an approved 58-lot townhouse subdivision (PLD2004-00103) to increase the size of the building envelopes. The 4.8 acre site is located in the Medium Density Residential (R-18) zone.

Applicant: Fieldstone Construction
PO Box 820586
Vancouver, WA 98682
(360) 896-0110; (360) 896-5078 [Fax]

Contact Person: Olson Engineering
Attn: Scott Brantley
1111 Broadway
Vancouver, WA 98660
(360) 695-1385; (360) 695-8117 [Fax]
scottb@olsonengr.com

Property Owner: Same as the applicant

RECOMMENDATION

Approve, subject to Conditions

Team Leader's Initials: **Date Issued: June 7, 2006**

Public Hearing Date: June 22, 2006

County Review Staff:

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
Planner:	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
Engineer (Trans. & Stormwater):	Ali Safayi	4102	Ali.safayi@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.ochia@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater):	Sue Stepan	4064	Sue.stepan@clark.wa.gov

Comp Plan Designation: Urban Medium Density Residential

Parcel Number: Tax Lots 38 (156690), 29,69 (156721) and 71 (156723) located in the SE ¼ of Section 7, Township 2 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Sections: 15.12 (Fire Code); 40.220.020 (Residential Districts); 40.260.230 (Townhouse Developments); 40.320 (Landscaping and Screening); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.520.020 (Uses Permitted Subject to Review & Approval); 40.540.040 (Subdivisions); 40.520.060 (Post Decision Review); 40.550.010 (Road Modifications); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

The site is not located within the boundaries of any county-recognized neighborhood association.

Time Limits:

The application was determined to be fully complete on April 5, 2006 (see Exhibit #7). Therefore, the County Code requirement for issuing a decision within 92 days lapses on July 6, 2006. The State requirement for issuing a decision within 120 calendar days lapses on August 3, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

This development is vested on August 11, 2004 (see staff report for PLD2004-00103).

Public Notice:

Notice of application and public hearing was mailed to the applicant, the Neighborhood Advisory Committee of Clark County, and owners of property located within 300 feet of the site on April 18, 2006. One sign was posted on the subject property and two within the vicinity on June 7, 2006.

Public Comments:

No written public comments have been received by the county in response to the public notice.

Project Overview & Background

The 4.8 acre site contains one dwelling that is proposed to be retained on new Lot 22, a new detached dwelling is proposed for Lot 23, and 56 townhouse units are proposed for the rest of the new lots.

The existing residence that is proposed to be retained has an existing driveway access from NE 63rd Street, north of the site. This access is proposed to be retained solely for that lot and dwelling. Access to all other lots will be provided via a public residential cul-de-sac road from NE 72nd Avenue, which abuts the site on the east. The site also abuts NE Andresen Road on the west.

Abutting the site on the north are existing residential lots, and on the south is the Walnut Grove Church and one residential lot.

The site is located within the Vancouver School District, Fire District #5, and Park District #7.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Medium Density Residential	Residential (R-18)	Single-family Residential
North	Urban Medium Density Residential	Residential (R-18)	Single-family Residential
East	Public Facilities	Residential (R-12)	Elementary School
South	Urban Medium Density Residential	Residential (R-18)	Church & Single-family Residential
West	Mixed Use	Community Commercial (C-3)	Shopping Center

Preliminary subdivision approval was granted on February 23, 2005. As required for townhouse developments pursuant to CCC 40.260.230, this included approval of a site plan showing building footprints. The applicant and new owner of the project wishes to increase the building footprint to accommodate a different dwelling design than that proposed by the original applicant.

Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 Procedure

In accordance with CCC 40.520.060, except for final plats and final site plans, post-decision procedures may change decisions. Such changes may be warranted by new information.

An application for post-decision review of a Type III decision (as in this case) may be subject to a Type I or Type II process if the proposed change does not involve an issue of broad public interest, based on the record of the decision. The record for Generation Place (PLD2004-00103) shows that the proximity of the proposed townhouse structures was an issue for abutting property owners. The post-decision changes proposed would reduce the rear setback that was approved on the site plan. Therefore, the post-decision proposal shall be subject to a Type III process.

Finding 2 Townhouse Standards

This subdivision is proposed under townhouse standards, in accordance with the Townhouse Ordinance (CCC 40.260.230). The site meets the eligibility criteria in CCC 40.260.230(B) because it is zoned R-18.

Staff has reviewed the revised site plan and revised building elevation plans for compliance with all applicable criteria in CCC 40.260.230. No changes to the preliminary plat are proposed.

The applicable minimum setbacks are as follows:

- Front (dwelling) – 10 feet
- Front (garage door) – 18 feet
- Side – 0 or 5 feet (0 where units are attached)
- Street side – 10 feet (applicable to Lots 1, 17, 21, 44, 48, 52, 53, 57, & 58)
- Rear – 5 feet

Based on the information provided, the revised site plan with increased building envelopes demonstrates compliance with the minimum setbacks, with the following exceptions:

- Lots 1 and 58 do not meet the minimum 18-foot setback for the garage door as measured from the right-of-way boundary for the intersection of 62nd Street and 72nd Avenue.
- Lot 21 does not meet the minimum 10-foot street side setback from the cul-de-sac bulb.
- Lot 29 does not meet the minimum 18-foot setback for the garage door as measured from the cul-de-sac bulb.
- Lots 52 and 53 do not meet the minimum 10-foot street side setback from the private road.

Therefore, the site plan needs to be modified accordingly. (see Condition A-1.a – d)

Finding 3 Site Plan Standards

In accordance with CCC 18.406.020(H)(3), the site plan is required to show the layout of proposed structures, lot lines, streets, off-street parking, landscape areas, pedestrian walks, driveways, outdoor lighting, screening, fences, walls, water quality facilities and other information deemed necessary by the planning director.

The revised site plan does not show sidewalks, driveways, outdoor lighting, retaining walls, water quality facilities, and fire hydrants. Therefore, the plan should be amended to show these features. (see Condition A-1.e.)

Finding 4 Landscaping

According to the application narrative, the applicant has agreed to provide coniferous trees along the northern property boundary line and to install fencing around the perimeter of the site to further buffer and screen the development from neighboring properties. Therefore, this should be made a condition of approval. (see Condition A-2)

RECOMMENDATION

Based upon the revised site plan (identified as Exhibit #5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Final Plat Review & Recording **Review & Approval Authority: Development Engineering**

Prior to final plat approval and recording by Development Engineering, the following conditions shall be met:

A-1 Final Site Plan - The applicant shall submit and obtain county approval of final site plan designed in accordance with CCC 40.260.230, and the following conditions of approval:

- a. The site plan shall be amended to provide a minimum 18-foot setback for the garage door as measured from the right-of-way boundary for the intersection of 62nd Street and 72nd Avenue for Lots 1 and 58. (see Finding 2)
- b. The site plan shall be amended to provide a minimum 10-foot street side setback from the cul-de-sac bulb for Lot 21. (see Finding 2)
- c. The site plan shall be amended to provide a minimum 18-foot setback for the garage door as measured from the cul-de-sac bulb for Lot 29. (see Finding 2)
- d. The site plan shall be amended to provide a minimum 10-foot street side setback from the private road easement for Lots 52 and 53. (see Finding 2)
- e. The final site plan shall show driveways, sidewalks, outdoor lighting, retaining walls, water quality facilities and fire hydrants. (see Finding 3)

A-2 Final Landscape Plan - The applicant shall submit and obtain County approval of a final landscape plan in conformance with CCC 40.320 and the following conditions of approval:

- a. The landscape plan shall provide coniferous trees along the north site boundary and fencing around the perimeter of the site, as agreed by the applicant. (see Finding 4)

A-3 Previous Decision – Except as expressly amended herein, all conditions of approval of the Hearings Examiner's Final Order for PLD2004-00103, dated February 23, 2005, shall remain in effect.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such

additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$266** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Revised Plan
- Exhibit List

A copy of the preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>